

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES	)	
AND INCENTIVE REGULATION PLAN OF	)	CASE NO. 90-256
SOUTH CENTRAL BELL TELEPHONE COMPANY	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed January 28, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the Kentucky Revenue Forecasting Presentation filed at the January 1992 Monitoring Meeting on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

On April 3, 1991, the Commission by Order renewed South Central Bell's Incentive Regulation Plan which pertains to the rates South Central Bell charges for its services. To ensure that the plan fulfills Commission objectives, the Order provides for monthly monitoring meetings between South Central Bell and the Commission. To augment these meetings, South Central Bell is required to file certain information concerning its operations, including its revenue forecasts. While South Central Bell agrees that the revenue forecasts are necessary to properly monitor its operations, it contends that public disclosure of the information is likely to cause South Central Bell competitive injury. South

Central Bell has therefore petitioned the Commission to protect the information as confidential.

KRS 61.872(1) requires information filed with the Commission to be made available for public inspection unless exempted by statute. Exemptions from disclosure are provided in KRS 61.878(1). Subsection (b) of that section exempts certain commercial information confidentially disclosed to the Commission. As noted by South Central Bell in its petition, the party seeking protection must demonstrate actual competition and a likelihood of competitive injury if the information is disclosed. Although the petition recognizes this requirement, it fails to identify competitors who would benefit from the information and to state how competitors could use the information to gain a competitive advantage. Therefore, the petition is insufficient and must be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The petition to protect as confidential the forecast information presented at the January 1992 Monitoring Meeting, which South Central Bell has petitioned be withheld from public disclosure, be and is hereby denied.

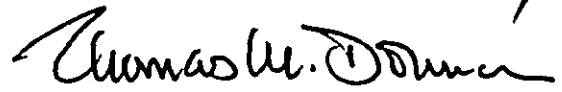
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow South Central Bell to file a supplemental petition in accordance with the procedure set forth in 807 KAR 5:001, Section 7.

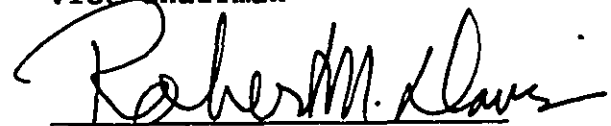
3. If, at the expiration of the 20-day period, South Central Bell has not filed a petition in accordance with the regulation, the information sought to be protected shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 28th day of February, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director